

**ORIGINAL**

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS

TEXARKANA DIVISION

**FILED**  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF TEXAS

NOV 27 2001

DAVID J. MALAND, CLERK  
DEPUTY *M. Velton*

**EOD** NOV 28 2001

JAMIE RAGAN, SUSAN RAGAN, and  
DONALD RAGAN

Plaintiffs

vs.

UNITED STATES OF AMERICA  
Defendant

§  
§  
§  
§  
§  
§  
§  
§  
§

Civil No: 5:99CV093  
JUDGE FOLSOM  
NON-JURY

**AGREED ORDER OF DISMISSAL WITH PREJUDICE**

On this day came on to be heard the above-entitled and numbered cause, wherein Jamie Ragan, Susan Ragan, and Donald Ragan are Plaintiffs, and the United States of America is Defendant. Plaintiffs, Jamie Ragan, and Susan Ragan appeared individually and personally, and by and through their attorney of record, Scotty MacLean; Donald Ragan did not appear personally, but he appeared by and through his attorney of record, Scotty MacLean, and Jamie Ragan, without legal capacity under Texas law due to her impaired mental status, also appeared by and through Lance Lee, the attorney appointed to act as her Guardian Ad Litem and a member in good standing of the State Bar of Texas, heretofore appointed Guardian Ad Litem by the Court. The Defendant, the United States of America, appeared by and through Steven M. Mason, one of its attorneys of record.

The Court is familiar with the nature of the Plaintiffs' claims and the defenses asserted by the United States, along with the history of this case, having heard extensive evidence and arguments during and after the trial of this case, and having issued its Findings of Fact and Conclusions of Law.

**RAGAN V. UNITED STATES:**  
**AGREED ORDER OF DISMISSAL WITH PREJUDICE**

Page 1 of 5

128

Following entry of judgment against the United States, the Defendant appealed, and the parties have jointly reported to the Court that they have agreed to a settlement encompassing the case and all matters in controversy. These issues being uncontested, the Court issues the following order.

After considering the pleadings, evidence and arguments of counsel, the parties' Stipulation for Compromise Settlement and Release of Federal Tort Claims Act Claims Pursuant to 28 U.S.C. §2677, and in light of the trial of this case, the Court's prior Findings of Fact and Conclusions of Law, along with its Amended Final Judgment in this case, the Court is of the opinion and finds that: the Plaintiffs and the Guardian Ad Litem are fully informed with respect to the facts of liability, and the disputed nature of the cause of action and the nature and extent of the damages claimed; and that upon the knowledge of the cause of action as above stated, Plaintiffs Jamie Ragan, Susan Ragan, and Donald Ragan, upon advice and consent of Lance Lee, heretofore appointed Guardian Ad Litem, have agreed to compromise and settle such cause of action for the total consideration of \$10,010,000.00 (TEN MILLION, TEN THOUSAND AND NO/100THS DOLLARS). Out of this sum of money, Plaintiff Jamie Ragan is to receive the total amount of \$6,802,030.32 (SIX MILLION, EIGHT HUNDRED TWO THOUSAND, THIRTY AND 32/100THS DOLLARS) with \$2,802,030.32, (TWO MILLION, EIGHT HUNDRED TWO THOUSAND, THIRTY AND 32/100THS DOLLARS) of this being a cash payment payable to the Jamie Ragan Section 142.005 Trust, and the remaining \$4,000,000.00 (FOUR MILLION AND NO/100THS DOLLARS) of this sum being used to purchase two annuities payable to the use and benefit of Jamie Ragan.

The Court has reviewed the Stipulation for Compromise Settlement and Release of Federal Tort Claims Act Claims Pursuant to 28 U.S.C. § 2677, signed by the parties on or about November 20, 2001, that sets forth the terms of the parties' agreement, and finds that its terms in relation to

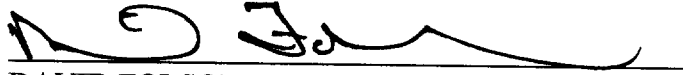
Jamie Ragan are reasonable, fair and just, that it is in the best interests of Jamie Ragan. The Court is further of the opinion that the agreement compromises and settles all claims, demands, and causes of action herein involved, is reasonable, fair and just, that it is in the best interests of Jamie Ragan, that it is fully understood and freely entered into by all parties, and the same is hereby in all things APPROVED.

However, it appearing to the Court and the Court finding that Jamie Ragan is a person who is because of her mental status without capacity to contract under Texas law, and without a legally appointed or qualified guardian of her person or estate within the State of Texas, the sum of \$6,802,030.32 payable by Defendant to Jamie Ragan under the terms of the Stipulation for Compromise Settlement and Release of Federal Tort Claims Act Claims Pursuant to 28 U.S.C. § 2677 shall be paid in the following manner: \$2,802,030.32, (TWO MILLION, EIGHT HUNDRED TWO THOUSAND, THIRTY AND 32/100THS DOLLARS) to Bank One, NA, in its capacity as Trustee of the Jamie Ragan Section 142.005 Trust; and \$4,000,000.00 (FOUR MILLION AND NO/100THS DOLLARS) to purchase two annuities payable to the use and benefit of Jamie Ragan, as provided in the Stipulation for Compromise Settlement and Release entered into by the parties.

It is further ORDERED that each party shall bear its own costs of litigation in this matter, except for the sum of \$10,000.00 set as the fee for Lance Lee as Guardian Ad Litem for Jamie Ragan, which is taxed against Plaintiffs.

It is further ORDERED that the Judgment and Amended Judgment issued in this case are hereby VACATED and that no execution shall issue herein, and that all claims brought by Plaintiffs are hereby DISMISSED WITH PREJUDICE to their refiling.

SIGNED this 20<sup>th</sup> day of November, 2001.



DAVID FOLSOM

UNITED STATES DISTRICT JUDGE

AGREED AS TO FORM AND CONTENT:

JOSE, HENRY, BRANTLEY  
& KELTNER, L.L.P.

675 N. Henderson Street  
Fort Worth, Texas 76107  
Telephone: (817) 877-3303  
Facsimile: (817) 338-9109

BY: 

Scotty MacLean  
State Bar No.: 00787942  
Attorney in Charge for Plaintiffs

John S. Jose  
State Bar No.: 11027550  
Michael J. Henry  
State Bar No. 09482300  
Rickey J. Brantley  
State Bar No. 02899730

Of Counsel for Plaintiffs

JONES & JONES, INC.  
Mr. Franklin Jones Jr.  
State Bar No.: 00000055  
201 W. Houston Street  
Marshall, Texas 75670  
Telephone: (903) 938-4395  
Facsimile: (903) 938-3360

Of Counsel for Plaintiffs

MacLEAN & BOULWARE  
John R. MacLean  
State Bar No.: 12764000  
Dan Boulware  
State Bar No.: 02704000  
11 Main Street  
Cleburne, Texas 76031  
Telephone: (817) 558-3700  
Facsimile: (817) 645-3788

Of Counsel for Plaintiffs

**RAGAN V. UNITED STATES:**  
**AGREED ORDER OF DISMISSAL WITH PREJUDICE**

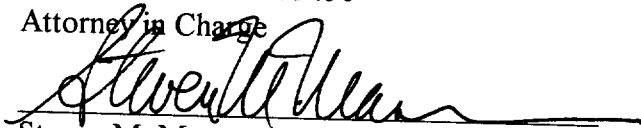
Mr. T. John Ward, Jr.  
State Bar No.: 00794818  
Perry, Womack, and Ward  
211 N. Center Dr.  
Longview, TX 75601  
Telephone: (903) 757-9191  
Facsimile: (903) 758-3239

Of Counsel for Plaintiffs

ATTORNEYS FOR PLAINTIFFS

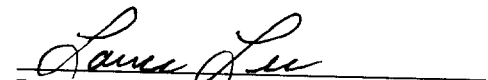
WES RIVERS  
UNITED STATES ATTORNEY

Thomas E. Gibson  
Assistant U. S. Attorney  
Texas Bar No.: 07875450  
Attorney in Charge

  
Steven M. Mason  
Assistant U.S. Attorney  
Texas Bar No.: 13158700  
Of Counsel

110 N. College, Suite 700  
Tyler, Texas 75702  
(903) 590-1400  
Fax: (903) 590-1436

ATTORNEYS FOR DEFENDANT

  
Lance Lee  
State Bar No. 24004762  
Young, Picket and Lee  
4122 Texas Blvd.  
Texarkana, TX 75504  
(903) 794-1303  
FAX: (903) 794-5098

GUARDIAN AD LITEM

**RAGAN V. UNITED STATES:**  
**AGREED ORDER OF DISMISSAL WITH PREJUDICE**